DISTRIBUTED
JUN 4 1987

Supreme Court, U.S.
FILED
JUN 5 1987
JOSEPH F. SPANIOL, JR.
CLERK

No. 86-1115

IN THE

Supreme Court of the United States

OCTOBER TERM, 1986

THE LOUISIANA LAND AND EXPLORATION COMPANY,
Petitioner,

v.

TEXACO, INC.,
Respondent.

On Petition for a Writ of Certiorari to the Supreme Court of Louisiana

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PETITIONER'S MEMORANDUM IN RESPONSE TO THE SOLICITOR GENERAL'S BRIEF FOR THE UNITED STATES

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June 5, 1987

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In its Petition for Certiorari, Louisiana Land and Exploration Company ("LL&E") showed that the present case raises an important question of interpretation of the Natural Gas Policy Act and that the decision below was novel and probably wrong. In responding to the Court's requests for his views, the Solicitor General has acknowledged that the case involves a "novel issue of statutory construction," [1] that this novel issue may involve the prices set for as much as 6% of all "old"

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[1] Brief for the United States and the Federal Energy Regulatory Commission as Amici Curiae at 6 (No. 86-1115, filed May 30, 1987).

natural gas sold in intrastate markets in 1984,[2] and that the Secretary of the Interior "shares petitioner's view that the decision below is incorrect" and will so argue in proceedings in the Claims Court.[3] Nevertheless, the Solicitor General suggests that the Court should not grant certiorari in this case because the issue—though novel, important, and wrongly decided—is "premature." The Solicitor General would prefer that the Court wait until a more direct conflict has arisen either in the Court of Claims proceeding directly involving the United States government or in diversity actions now pending in the federal courts in Texas.

From the viewpoint of LL&E, however, the issue cannot be said to be premature. As explained in its petition for certiorari, LL&E may lose as much as $100 million if the interpretation of the Natural Gas Policy Act that the Secretary of the Interior argues is wrong prevails. The fact that other litigants (including the U.S. government) may have the later benefit of what the Solicitor General states to be the correct view of the law is slight comfort indeed to LL&E. Accordingly, the Court should grant certiorari at this stage in order to ensure that all those similarly situated can benefit alike from the correct interpretation of this federal statute.

Respectfully submitted,

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[2] *Id.* at 3, n.1.

[3] *Id.* at 8, n.5.